

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009CH4278
	HUD.: 050913468
PATRICIA SCHWARTZ-MURRELL)	ALS NO.: 09-0488
AND KEVIN MURRELL,)	
Petitioners.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Greg Simoncini, presiding, upon Patricia Schwartz-Murrell and Kevin Murrell's ("Petitioners"), Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2009CH4278; and the Commission having reviewed *de novo* the Respondent's investigation file, including the Investigation Report and the Petitioners' Request and supporting materials, and the Respondent's response to the Petitioners' Request; and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioners' charge is **SUSTAINED** on the following ground:

FAILURE TO PROCEED

In support of which determination the Commission states the following findings of fact and reasons:

1. On June 23, 2009, the Petitioners filed an unperfected charge of discrimination with the Respondent. The Petitioners alleged Armando Gonzales and CasAmerica Realty refused to rent to them because of Petitioner Kevin Murrell's race, Black, in violation of Section 3-102(B) of the Illinois Human Rights Act (the "Act"). On August 13, 2009, the Respondent dismissed the Petitioners' charge for Failure to Proceed. On August 27, 2009, the Petitioners timely filed their Request.
2. On June 25, 2009, the Respondent mailed a letter and a copy of the unperfected charge to the Petitioners. The Respondent instructed the Petitioners to review the charge for accuracy, and to "perfect" the charge by signing and then returning the perfected charge to the Respondent as soon as possible.
3. By June 30, 2009, the Petitioners had not returned their perfected charge to the Respondent. The Respondent contacted Petitioner Schwartz-Murrell via telephone on June 30, 2009, and advised her that the Petitioners were required to return the perfected charge to the

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

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Respondent before the Respondent could proceed with its investigation. Petitioner Schwartz-Murrell agreed that the Petitioners would sign and return the charge to the Respondent.

4. By July 15, 2009, the Petitioners had not returned the perfected charge to the Respondent.
5. On July 15, 2009, the Respondent mailed a letter via certified and regular mail to the Petitioners. The letter requested that the Petitioners contact the Respondent as soon as possible. The letter advised the Petitioners that if they failed to return the signed charge to the Respondent within 10 days from receipt of the letter their charge would be dismissed for failure to proceed with the Respondent's investigation.
6. On July 17, 2009, the Respondent received the green card confirmation which indicated that Petitioner Schwartz-Murrell had signed for and received the Respondent's letter of July 15, 2009.
7. The Petitioners never send the Respondent the perfected charge.
8. On August 14, 2009, the Respondent issued the Petitioners a "Notice of Dismissal for Failure to Proceed," pursuant to Sections 2520.4309(c) and 2520.560(b)(2) of the Respondent's Rules and Regulations. See 56 Ill.Admin.Code, Ch. II, §§ 2520.4309(c), 2520.560(b)(2).
9. In their Request, the Petitioners state that they are against discrimination. However, they do not provide any explanation for why they failed to return the perfected charge to the Respondent.

CONCLUSION

The Commission's review of the Respondent's investigation file leads it to conclude that the Respondent properly dismissed the Petitioner's charge for Failure to Proceed.

When a petitioner fails to return a signed charge of discrimination to the Respondent, the Respondent may dismiss the charge for Failure to Proceed, pursuant to 56 Ill.Admin.Code, Ch. II, §§ 2520.4309(c), 2520.560(b)(2).

In this case, the Petitioners have not offered any explanation for their failure to return the perfected charge, despite the Respondent's repeated requests they do so.

Accordingly, it is the Commission's decision that the Petitioners have not presented any evidence to show that the Respondent's dismissal of their charge was not in accordance with the Act. The Petitioners' Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioners' charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and

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Armando Gonzales and CasAmerica Realty as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

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Entered this 24th day of March 2010.

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini